IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

AND
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL No. 1028 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/04/2005 in WP No. 9563 of 2005 on the file of the High Court.)

Between:

Bokka China Sivaiah, S/o Peda Kotaiah,
Grampanchayat Gorantla, Guntur (R) Mandal,

Guntur District. ..... APPELLANT

AND

1 The District Collector, (Panchayat Wing), Guntur District.
2 The Deputy Superintendent of Police (ACB), Vijayawada,
Krishna District.

.....RESPONDENTS

Counsel for the Appellant : Mr.K.SARVA BHOUMA RAO

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

JUDGMENT (per Sri Justice K.C.Bhanu)

Challenging the order dated 26.4.2005 passed in W.P.No. 9563 of 2005, the present writ appeal is filed. Originally the writ petition was filed questioning the order of the first respondent in Roc.No.1210/2005/-
G6 dated 19.4.2005 as illegal and arbitrary. The said writ petition was dismissed by this Court on 26.4.2005 on the ground that there was alternative remedy available under law by filing revision before the appropriate authority.

The learned counsel for appellant contended that without giving any opportunity and in utter violation of principles of natural justice, the impugned order came to be passed and therefore, it is liable to be set aside.

The writ appellant, who was the Sarpanch of Gorantla Gram Panchayat, was suspended on the allegation that he had accepted bribe of Rs.7,000/- from one Pathi Veeramani for approval of a building plan and the appellant was suspended only during enquiry. No doubt availability of alternative remedy is not an absolute bar and the writ petition can be maintained without exhausting the alternative remedy where the impugned order is in violation of principles of natural justice, but at the same time, it is not a case where principles of natural justice have been infringed. It is also not the case of the writ appellant that the authority who passed the impugned order lacks jurisdiction.

In view of the same, we do not find any merit to maintain the writ appeal and the same is therefore, dismissed. However, it is open to the petitioner to avail alternative remedy by filing revision before appropriate authority.

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V.ESWARAIAH, J

Date: 24.5.2005

DA/KVRM _____

K.C.BHANU, J

To

1 The District Collector, (Panchayat Wing), Guntur District.
2 The Deputy Superintendent of Police (ACB), Vijayawada, Krishna District.

3 Two CCs to the G.P. for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.